

Appln. No. 10/656,464  
Amndt. dated March 10, 2005  
Reply to Office Action of Dec. 10, 2004

**Remarks/Arguments**

Claims 1-18 were pending in the application.

Claim 1 has been amended to recite the use of a second fabric material partially disposed over said compressible material, said second fabric material comprising fibers having a tensile strength less than 50,000 psi and/or a modulus less than 500,000 psi. Support can be found at page 9, lines 1-6 which disclose that the invention herein includes a first layer of fabric including high strength fibers (as defined in the specification at page 4, line 21 through page 5, line 9 as having a tensile strength greater than at least 50,000 psi and a modulus of greater than 500,000 psi) and that a portion of the chew may include a second outer layer that is not a high performance fabric. The specification adds that the non-high performance fibers are those fibers that have mechanical properties that are less than those for the high performance fabric. Accordingly, no new matter is believed entered by said amendment.

Minor changes were added to dependent claims 2-5, 8, 10, 11 and 16 to properly depend from claim 1. Claims 6, 7, 15, 17 and 18 have been cancelled. Again, no new matter has been entered

In the Office Action mailed December 10, 2004, claims 1-10 and 13-18 were rejected under 35 U.S.C. 102(b) and 35 U.S.C. 103 (a) as being anticipated by, or obvious over, Jordan, United States Patent No. 5,226,384.

The present invention is directed at an animal toy comprising a body portion, said body comprising a compressible material and a first fabric material disposed partially over said compressible material, said first fabric material comprising fibers having a tensile strength greater than or equal to 50,000 psi and/or a modulus greater than or equal to 500,000 psi, and a second fabric material partially disposed over said compressible material, said second fabric material comprising fibers having a tensile strength less than 50,000 psi and/or a modulus less than 500,000 psi.

In contrast, Jordan, '384 is directed at an **animal bed** having a resilient core, a generally slab shape and a cover over the entirety of the core comprising an aramid fabric sheet and a **polyester fabric sheet laminated to the aramid sheet**. As recited at column 3, lines 18-19 of '384, "[s]urrounding the core 12 and **encasing it on all sides** is cover 14."

The present invention does not include a polyester sheet laminated to an aramid sheet that completely covers an animal bed (Jordan) and as recited in amended claim 1, the present invention has a first fabric and a second fabric each **disposed partially** over a compressible material, and the first and second fabric have different mechanical properties.

This feature can be better appreciated in context, as the specification points out that with respect to a chew toy, the high strength fiber may be "selectively positioned on the chew at those locations that are more prone to the chewing or biting action of the

animal.” Page 4, lines 17-19. Such feature is not disclosed or suggested in the art of record.

Claim 1-5, 11 and 15 are further rejected under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) as being anticipated by, or obvious over, Welch, United States Patent No. 4,884,807.

Applicant incorporates the comments above with respect to the prior art of Jordan. It is respectfully submitted that the claims, as amended herein, similarly distinguish over Welch.

Welch is simply directed at a **pile-surface toy ball** made by affixing cluster stubs of stranded frayable material to the exterior of a tennis ball using a hot melt adhesive. Welch does not teach or suggest two fabric materials, one of high strength fibers and the other of lesser strength fibers, both materials partially disposed over a compressible core. Welch is directed at affixing inner end portions of stubs in closely spaced relationship (that is extending radially from the surface of the ball; see **FIGS. 3, 4, and 8** of '807).

As noted, claim 1 has been amended herein directed at an animal toy comprising a body portion, said body comprising a compressible material and a first fabric material disposed partially over said compressible material, said first fabric material comprising fibers having a tensile strength greater than or equal to 50,000 psi and/or a modulus greater than or equal to 500,000 psi. and a second fabric material partially disposed over said compressible material, said second fabric material comprising fibers having a tensile

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strength less than 50,000 psi and/or a modulus less than 500,000 psi. Such feature is not disclosed or suggested in Welch.

Claims 1-5, 10, 12 and 5-16 are further rejected under U.S.C. 102(b) and 35 U.S.C. 103(a) as being anticipated by, or obvious over, Lambert, United States Patent No. 5,126,137.

Lambert is directed at a **small animal prophylactic dentrifice** comprising a foam figure jacketed by a minimally fine threaded netting. The foam may be impregnated or saturated with attractants or flavors. The net/web is uniformly woven of thin/Kevlar-like pliable threading which stretch to slide up the shaft of a tooth when chewed by the animal, to brush or floss the teeth. "The other component is a covering or jacket **14** to **totally** and tightly **encompass** foam portion **10** and is woven of a Kevlar-like threading" (see column 1, line 67 to column 2 line 2 of '137, as well as column 2 lines 9-12).

In contrast, the present invention is not limited to an open celled foam tightly jacketed in a netting envelope, but rather claims a compressible material partially covered with a first of fabric material, the fabric material having a defined tensile strength and modulus, and partially covered by a second fabric material, the second material having tensile and modulus properties less than the first.

Applicant respectfully submits that all claims currently pending in the application are believed to be in condition for allowance. Allowance at an early date is respectfully solicited.

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In the event the Examiner deems personal contact is necessary, please contact the undersigned attorney at (603) 668-6560.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 50-2121.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 10, 2005, at Manchester, New Hampshire.

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